

# SHARING SEXISM

*Katharine T. Bartlett\**

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## INTRODUCTION

The sharing economy has much to offer women. Through this economy, a person can be productive on a flexible schedule, outside the rigid forty-hour workweek of a conventional job. Those who have extra time, spare room, underutilized talents, or products they no longer need can find markets for their surpluses, without the need for highly capitalized corporate distribution channels.<sup>1</sup> Buyers, too, have more market flexibility. They have many more choices available to them, and through auctions or other bidding devices they can sometimes reach terms with sellers on a decentralized basis rather than on the more customary take-it-or-leave-it basis. Participants in the sharing economy often exchange information about each other in order to address privacy, safety, or other concerns they might have, and then use this information to decide with whom to do business. The opportunities to give and receive individual feedback also allow buyers and sellers to better evaluate the trustworthiness of their potential trading partner or the quality of the product in advance, as well as to express their pleasure or disappointment with a transaction. In these ways and others, the sharing economy promotes flexibility,

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\* A. Kenneth Pye Professor of Law, Duke University School of Law. Thanks to the Fordham Urban Law Journal for initiating what has become for me a continuing and fruitful interaction with Naomi Schoenbaum on issues of discrimination in the sharing economy.

1. Abbey Stemler, *Betwixt and Between: Regulating the Shared Economy*, 43 FORDHAM URB. L.J. 31, 34 (2016) (describing the sharing economy as “uniquely comprised of individuals profiting from their personal excess capacity”).

networking, trust, cooperative relationships, and communication—all things that women are thought to especially value.<sup>2</sup>

In *Gender and the Sharing Economy*, Professor Schoenbaum challenges this utopic vision. She argues that, despite the features outlined above—indeed, to a certain extent, *because of* them—the sharing economy risks deepening and legitimating gender stereotypes and thereby harming women.<sup>3</sup> The problem is not that the features of the sharing economy described above are not valuable. It is that the flexibility, connection, and trust that speak to women's short-term circumstances and values come at the expense of women's more important, long-term interest in gender equality.<sup>4</sup>

Professor Schoenbaum's cautionary tale has several discrete and interactive parts. First, she explains that the sharing economy is disproportionately concentrated in intimate settings like personal homes and cars (rather than, say, offices and stores), and in personal services such as house-cleaning, outside chores, dog-walking, carpooling, roommate matching, and childcare (rather than more traditionally commodified goods and services).<sup>5</sup> Second, the intimacy of these transactions raises concerns by those involved in these transactions for privacy, comfort, sexual autonomy, and safety—concerns that tend to increase the salience of sex and, consequently, the strength and acceptability of gender stereotypes.<sup>6</sup> Third, the sharing economy is more likely than traditional market transactions to involve the exchange of personal information, which arguably reduces transactional risk, but at the same time, again, facilitates sex discrimination.<sup>7</sup> Finally, the sharing economy lacks the structural constraints, including applicable anti-discrimination laws, corporate

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2. See Naomi Schoenbaum, *Gender and the Sharing Economy*, 43 FORDHAM URB. L.J. 1023, 1024-25 (2016). Basic works in legal scholarship exploring the traditionally female or feminine values of community relationship, trust, interdependence, and cooperation, include Mary Becker, *Care and Feminists*, 17 WIS. WOMEN'S L.J. 57 (2002); Leslie Bender, *From Gender Difference to Feminist Solidarity: Using Carol Gilligan and an Ethic of Care in Law*, 15 VT. L. REV. 1 (1990); Robin West, *Jurisprudence and Gender*, 55 U. CHI. L. REV. 1 (1988). The notion that these characteristics are women's values, as opposed to, say, values attributed to women to serve men's interests, is heavily disputed within feminism. See CATHARINE A. MACKINNON, FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW 38-39 (1987) (criticizing relational feminism for "making it seem as though [traditional feminine] attributes, with their consequences, really are somehow ours, rather than what male supremacy has attributed to us for its own use").

3. Schoenbaum, *supra* note 2, at 1027, 1051.

4. *Id.* at 1051.

5. *Id.* at 1029-32.

6. *Id.* at 1038-1050.

7. *Id.* at 1032-35.

enforcement structures, and worker interactions, that constrain discrimination in traditional business.<sup>8</sup> What Professor Schoenbaum fears, ultimately, is that the breakdown in nondiscrimination norms in the sharing economy will alter gender equality norms more generally, and thus to subvert the progress society has made over the years.<sup>9</sup>

Professor Schoenbaum's article is the first serious scholarship to examine the sharing economy's implications for gender equality and, as such, makes a huge contribution to the growing literature in this field. In this response, I offer four observations that highlight and elaborate some of its important insights.<sup>10</sup>

### I. BEYOND THE SHARING ECONOMY

Professor Schoenbaum observes that the extension of existing sex discrimination law to the sharing economy will not necessarily alleviate the gender issues she identifies.<sup>11</sup> This point warrants some emphasis and extension. A number of features of existing law detract from the law's ability to contain gender discrimination, even in the traditional economy. For example, as Professor Schoenbaum mentions,<sup>12</sup> current law only addresses the behavior of businesses, not customers.<sup>13</sup> Ordinarily, when society deems certain behavior harmful enough, it regulates that behavior on both the demand side and the supply side.<sup>14</sup> Why society treats discrimination differently

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8. *Id.* at 1058-68.

9. *Id.* at 1050-51.

10. Many of these insights draw from work I have done with Mitu Gulati. See Katharine T. Bartlett & Mitu Gulati, *Discrimination by Customers*, 102 IOWA L. REV. 223 (2016).

11. Schoenbaum, *supra* note 2, 1063-68.

12. *Id.* 1063, 1065.

13. Theoretically, section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 (2012), prohibits race discrimination by individuals and business entities alike, but section 1981 does not concern gender and, in any event, has not generated discrimination suits against individual customers. See Bartlett & Gulati, *supra* note 10. All other civil rights statutes regulate only the behavior of providers, not customers, and even then, apply only when the business reaches a certain size, as determined by the number of employees. See 29 U.S.C. § 2611 (2)(B)(ii) (year) (stating that the Family and Medical Leave Act is not applicable to businesses with less than fifty employees); 42 U.S.C. § 2000a(b)(1) (2012) (exempting establishments with not more than five rooms in which owner is a resident from prohibition against discrimination in places of public accommodation); 42 U.S.C. § 2000e(b) (2012) (stating that employment discrimination law is applicable to employers with fifteen or more employees); 42 U.S.C. § 12111(2) (2012) (stating prohibition of discrimination against the disabled applicable only to employers with fifteen or more employees).

14. Examples include bribery, prostitution, transactions in body parts, illegal drugs, and guns.

from other harmful behaviors is beyond the scope of this response, but the fact is that the law prohibits only business sellers from discriminating, not individual customers.<sup>15</sup> This matters, for while the prohibition of discrimination by businesses makes discrimination by customers more difficult, there are still plenty of opportunities for customers, both online and in brick-and-mortar stores, to make discriminatory choices about with whom to do business,<sup>16</sup> how much to pay<sup>17</sup> or tip,<sup>18</sup> and how to evaluate the service they received.<sup>19</sup>

Other limitations of anti-discrimination law also affect the law's ability to contain sex discrimination in both traditional and online economies. For example, the bona fide occupational qualification (BFOQ) exception to Title VII allows employers to make sex-based distinctions that they believe are essential to their businesses.<sup>20</sup> These distinctions are often grounded in the discriminatory preferences of

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15. For more detailed examination of the question of discrimination by customers, including possible rationales for existing law, see Bartlett & Gulati, *supra* note 10.

16. See Jennifer L. Doleac & Luke C.D. Stein, *The Visible Hand: Race and Online Market Outcomes*, 123 ECON. J. F469, F470 (2013) (explaining a study of online sales of iPods showed that iPods depicted in white hands sold far better than iPods in black hands); Benjamin Edelman et al., *Racial Discrimination in the Sharing Economy: Evidence from a Field Experiment*, AM. ECON. J.: APPLIED ECON., Apr. 2017, at 1 (showing that Airbnb guests with distinctively African-American names are roughly sixteen percent less likely to be accepted by hosts than identical guests not identifiable as non-white).

17. See, e.g., Ian Ayres et al., *Race Effects on eBay*, 46 RAND J. ECON. 891, 891 (2015) (showing that baseball cards depicted in a black hand sold for twenty percent less than the same cards in a white hand); Benjamin G. Edelman & Michael Luca, *Digital Discrimination: The Case of Airbnb.com*, (Harv. Bus. Sch. Working Paper, No. 14-054, 2014), <http://hbswk.hbs.edu/item/digital-discrimination-the-case-of-airbnb-com> [<https://perma.cc/F3Z5-D7CG>] (showing non-black hosts on Airbnb get twelve percent more than black hosts for comparable property).

18. See, e.g., Ian Ayres, *To Insure Prejudice: Racial Disparities in Taxicab Tipping*, 114 YALE L.J. 1613 (2005) (discussing a study of over 1,000 taxicab trips in New Haven found that customers tip African-American cab drivers one-third less than white cab drivers and stiff them eighty percent more often); Matthew Parrett, *Customer Discrimination in Restaurants: Dining Frequency Matters*, 32 J. LABOR RES. 87 (2011) (discussing a study of data collected outside five Virginia restaurants found that customers tip female servers less than men, unless their customers are regular patrons or the service quality is exceptional).

19. See Bryce Covert, *Female Client Service Reps Get Lower Scores Despite Better Performance and Experience*, THINKPROGRESS (May 22, 2014), <http://thinkprogress.org/economy/2014/05/22/3440725/wordstream/> [<https://perma.cc/63Z4-ACGM>] (discussing a study of customer representative evaluations showing that female marketers are undervalued by twenty-one percent).

20. See Bartlett & Gulati, *supra* note 10.

customers and, in turn, help to perpetuate those preferences.<sup>21</sup> Similarly, not all public accommodations laws prohibit sex-exclusive policies even in traditional business settings such as women's gyms, public bathrooms, and "ladies nights," especially where these exclusions are supported by widespread customer preferences—preferences that are, as a consequence, reinforced.<sup>22</sup>

The barriers courts have imposed to the enforcement of Title VII's prohibition of disparate impact discrimination also limit the obligation of both online and traditional businesses to avoid practices that have a discriminatory impact on their employees or customers.<sup>23</sup> Moreover, no law prevents, or could prevent, businesses from marketing goods and services in ways that reinforce gender stereotypes, both online and in traditional business.<sup>24</sup>

I mean simply to emphasize Professor Schoenbaum's point that the discrimination problems raised by the sharing economy will not be resolved simply by extending existing law to that economy. There are long-standing realities and legal barriers that make it difficult to contain sex discrimination in whichever economy it functions.

## II. BEYOND INTIMACY

For Professor Schoenbaum, the intimacy of services and transactions in the sharing economy makes sex salient, and that

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21. *See, e.g.*, *Dothard v. Rawlinson*, 433 U.S. 321 (1977) (upholding exclusion of women as guards in high-security men's prisons); *Everson v. Mich. Dep't of Corr.*, 391 F.3d 737 (6th Cir. 2004) (upholding sex as a BFOQ in case in which only women were hired to guard female prisoners); *Fesel v. Masonic Home of Del., Inc.*, 447 F. Supp. 1346 (D. Del. 1978), *aff'd mem.*, 591 F.2d 1334 (3d Cir. 1979) (upholding hiring of only female nurses as a BFOQ when nursing home's residents strenuously objected to male nurses). These precedents are eroding. *See, e.g.*, *Breiner v. Nev. Dep't of Corr.*, 601 F.3d 1202 (9th Cir. 2010) (rejecting BFOQ for female guards in female prisons); *Slivka v. Camden-Clark Mem'l Hosp.*, 594 S.Ed.2d 616 (W. Va. 2004) (striking down hospital policy of hiring only female obstetric nurses).

22. For an analysis of ladies' nights, see RICHARD THOMPSON FORD, *RIGHTS GONE WRONG: HOW LAW CORRUPTS THE STRUGGLE FOR EQUALITY* (2012).

23. *See* Bartlett & Gulati, *supra* note 10.

24. *See* Emma Gray, *'This Oppresses Women' Stickers Give Body-Shaming Ads The Edit They So Desperately Need*, HUFFPOST WOMEN (June 22, 2015) [http://www.huffingtonpost.com/2015/06/22/this-oppresses-women-stickers-shut-down-sexist-nyc-ads\\_n\\_7637564.html](http://www.huffingtonpost.com/2015/06/22/this-oppresses-women-stickers-shut-down-sexist-nyc-ads_n_7637564.html) [https://perma.cc/H5S5-659R]; Amanda Scherker, *14 Times Women Were Sexed Up For Absolutely No Logical Reason*, HUFFPOST WOMEN (Sept. 17, 2014), [http://www.huffingtonpost.com/2014/09/17/women-sexist-media\\_n\\_5792960.html](http://www.huffingtonpost.com/2014/09/17/women-sexist-media_n_5792960.html) [https://perma.cc/4XTA-RTKP]; Anita Little, *Top Five Sexist Super Bowl Ads, 2013*, MS. BLOG (Feb. 4, 2013), <http://msmagazine.com/blog/2013/02/04/top-five-sexist-super-bowl-ads-2013/> [https://perma.cc/4XTA-RTKP]; *see also* *Sexist Advertising*, PINTEREST, <https://www.pinterest.com/jarrahpenguin/sexist-advertising/> [https://perma.cc/NUP3-QH89].

salience then facilitates and legitimates gender stereotyping.<sup>25</sup> Professor Schoenbaum associates this greater intimacy with the blurring of lines between home, workplace, and the market.<sup>26</sup> The traditional market paradigm, Professor Schoenbaum asserts, was based on clear divisions between these three domains. In breaking down these clear divisions, the sharing economy has brought the market into intimacy and intimacy into the market.<sup>27</sup>

While the breakdown in boundaries between home, workplace, and market that Professor Schoenbaum associates with intimacy is a significant factor that impacts gender stereotypes in the sharing economy, it is not the only one. Another breakdown that complicates the regulatory picture is the blurring of the traditional line between buyers and sellers. In the traditional economy, parties to a transaction are either sellers (usually businesses) or buyers (usually individuals). In the online, sharing world, platforms do not *sell*, in the traditional sense; rather, they *match* sellers with buyers. In this world, sellers and buyers are both customers of the platforms, and therefore not subject to the anti-discrimination laws applicable to business sellers in traditional markets.<sup>28</sup>

Lending Club, for example, matches borrowers and “investors.”<sup>29</sup> By law, lenders may not discriminate in their lending practices.<sup>30</sup> Yet because Lending Club only matches individual customers with money to invest with individual customers who need money, it is not clear who, if anyone, is to be regulated.<sup>31</sup> Similarly, Airbnb hosts are customers of the platform just as guests are, with neither subject to anti-discrimination rules with respect to their online transaction with each other.<sup>32</sup> This role confusion does not depend upon the intimacy of the goods or services made available; it applies as much to Lending Club and eBay as to Match.com. Yet it may be a very significant

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25. Schoenbaum, *supra* note 2, at 1036-46.

26. *Id.* at 1029-30.

27. *Id.* at 1029-32.

28. See Bartlett & Gulati, *supra* note 10.

29. See LENDINGTREE, <https://www.lendingtree.com/> [https://perma.cc/GTG5-EQRH].

30. See Equal Credit Opportunity Act, 15 U.S.C. § 1691-1691f (2012).

31. See Kadhim Shubber, *Lenders Can't Discriminate, But What About Investors?*, FT ALPHAVILLE (Jan. 13, 2016), <http://ftalphaville.ft.com/2016/01/13/2150093/lenders-cant-discriminate-but-what-about-investors/> [https://perma.cc/QL6S-FAGM].

32. See *supra* notes 16-17 (documenting discrimination by both hosts and guests on Airbnb).

factor in the sharing economy's ability to evade anti-discrimination rules.

### III. BEYOND CHOICE

The sharing economy proliferates choices for its participants; this is, indeed, one of its most appealing features. Among the valuable take-aways from Professor Schoenbaum's article, however, is the reminder that what may *increase* choice for some may *decrease* it for others.<sup>33</sup> Importantly, the effects of choice are not random. Although many of Professor Schoenbaum's choices involve female consumers choosing female providers, the main consequence of the dynamic she describes is that customers devalue women in the online marketplace.<sup>34</sup>

As Professor Schoenbaum points out, the trade-off between choice and nondiscrimination values exists, as well, within the traditional economy.<sup>35</sup> Two things drive the trade-off in the sharing economy further away from nondiscrimination values in the direction of greater choice. First, as Professor Schoenbaum points out,<sup>36</sup> the sharing economy lacks the institutional structures, such as corporate equal employment opportunity (EEO) procedures, worker interactions, and systems of accountability, that the traditional economy relies upon to contain discrimination.<sup>37</sup>

Second—and, here, I speculate—the exploding availability of online choices can be expected to strengthen the value attached to choice. Insofar as norms are socially constructed through societal practices, laws, and relationships, what we get used to often becomes what we expect, and thus what we value. There is indirect evidence for this phenomenon in the research suggesting that studying economics, which assumes people make rational, self-interested decisions, makes people more self-interested—or selfish—in their everyday behaviors.<sup>38</sup> In the same way, accustoming customers to

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33. Schoenbaum, *supra* note 2, 1054.

34. *See supra* notes 18-21.

35. Schoenbaum, *supra* note 2, at 1054.

36. *Id.* at 1038.

37. *Id.* at 1038, 1063-68.

38. The literature is massive on this point. *See, e.g.*, Robert H. Frank et al., *Does Studying Economics Inhibit Cooperation?*, 7 J. ECON. PERSP. 159 (1993) (supporting the hypothesis that economics are more likely to free ride and that lower levels in cooperativeness by economists can be explained, in part, by their training); Long Wang et al., *Economics Education and Greed*, 10 ACAD. MGMT. & EDUC. 643 (2011) (reporting studies showing that economics majors kept more money for themselves in money allocation task and that economics students showed more

endless choices through the sharing economy can be expected to normalize and heighten the value society places on choice. Accordingly, users in the online economy can be expected to place increasing value on choice, at the expense of values deemphasized in this economy, like nondiscrimination.

These institutional and expressive dimensions work together. The sharing economy raises the societal commitment to choice, at the same time that it fails to provide a substitute for the regularized procedures and institutions that are used to discourage discriminatory choices in traditional markets.

#### IV. BEYOND ANTI-STEREOTYPING

Professor Schoenbaum takes the position that all sex-based stereotypes should be eliminated, whether or not they serve women's present interests.<sup>39</sup> Any compromise on this, she suggests, ultimately undermines women's long-term interests in sex equality.<sup>40</sup> Specifically, she disapproves of allowing women to exercise a discriminatory preference for a female gynecologist,<sup>41</sup> housekeeper,<sup>42</sup> or cab driver.<sup>43</sup>

Insofar as the market for many services in which people are likely to have a sex-based preference is expanding through the sharing economy—this is a fundamental proposition of the article, although not one that Professor Schoenbaum is able to quantify—it seems correct that the sharing economy will increase sex-based discrimination. Still, I wonder—and perhaps this makes me an example of the diminishing commitment to eliminating gender stereotypes that Professor Schoenbaum warns us about<sup>44</sup>—if an

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positive attitudes toward greed). There is some dispute about the extent to which the higher amount of free riding among economics students is a result of economic training and how much is a function of the characteristics of those who decide to major in economics. See Yoram Bauman & Elaina Rose, *Selection or Indoctrination: Why Do Economics Students Donate Less Than the Rest?*, 79 J. ECON. BEHAV. & ORG. 318 (2011).

39. Schoenbaum, *supra* note 2, 1054-57.

40. *Id.* at 1054-55.

41. *Id.* at 1054.

42. *Id.* at 1055-56.

43. *Id.* at 1048-49, 1053.

44. I have been, in the past, a strong proponent of the elimination of *all* sex-based distinctions. See, e.g., Katharine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829 (1990); Katharine T. Bartlett, *Only Girls Wear Barrettes: Dress and Appearances Standards, Community Norms, and Workplace Equality*, 92 MICH. L. REV. 2541 (1994); Katharine T. Bartlett, *Unconstitutionally Male?: The Story of*



approach that rules all sex-based choices out of bounds is the wisest course.

My concerns are based, in part, on principle. Women have reasons, rooted in the here and now, for preferring women cab drivers, household workers, masseuses, and even gynecologists. We can say, as Professor Schoenbaum does,<sup>45</sup> that society's focus should be on making women safer and more comfortable with male providers, not avoiding them, and I would agree. But, under present circumstances, it is not a fully satisfactory strategy. Facing real vulnerability, if women's autonomy means anything, it should include being able to make their own decisions about how to secure their own comfort and safety. In other words, women must have the tools to negotiate their real lives, not their ideal ones.

Other concerns are strategic. On the negative side, social science research suggests that anti-discrimination mandates that too deeply offend a person's sense of identity and selfhood can be counterproductive, reinforcing rather than correcting the underlying discriminatory impulses that drive, explicitly and implicitly, discriminatory behavior.<sup>46</sup> The extent of that offense and its potential to undermine society's ongoing commitment to ending discrimination is disturbingly evident in the 2016 presidential campaign cycle.<sup>47</sup>

On the positive side, some sex-based preferences have helped to create markets that have long been discriminatory—including, presumably, the preferences for female gynecologists to which Professor Schoenbaum refers.<sup>48</sup> The ability to make consumer decisions that are sex-based, but deliberately designed to undermine sexism, is also apparent in well-known examples of collective, gender-based consumer action, such as the "girlcott" organized against

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United States v. Virginia, *in* WOMEN AND THE LAW: STORIES 133 (Elizabeth M. Schneider & Stephanie M. Wildman eds., 2011).

45. Schoenbaum, *supra* note 2, 1056-57.

46. See Katharine T. Bartlett, *Making Good on Good Intentions: The Critical Role of Motivation in Reducing Implicit Workplace Discrimination*, 95 VA. L. REV. 1893, 1936-41 (2009).

47. See Andrew Rosenthal, *Donald Trump's Critics Aren't 'Politically Correct.' They're Outraged*, N.Y. TIMES: TAKING NOTE (Aug. 27, 2015), [http://takingnote.blogs.nytimes.com/2015/08/27/donald-trumps-critics-arent-politically-correct-theyre-outraged/?module=BlogPost-ReadMore&version=Blog 20 Main&action=Click&pgtype=Blogs&region=Body](http://takingnote.blogs.nytimes.com/2015/08/27/donald-trumps-critics-arent-politically-correct-theyre-outraged/?module=BlogPost-ReadMore&version=Blog%20Main&action=Click&pgtype=Blogs&region=Body) [https://perma.cc/2EKF-B2CA] (noting the appeal of Trump to those who "resent being called to account for intolerance and discrimination").

48. Schoenbaum, *supra* note 2, 1054.

Abercrombie & Fitch to combat the negative female body images fostered in the company's advertising campaigns of the 1990s.<sup>49</sup>

The lines between "good" sex-based choices and "bad" ones are hard to draw. I think, though, that a focus on these lines and their malleability is likely to be more productive, long-term, than an ironclad rule that admits of no short-term, sex-based preferences.

### CONCLUSION

Professor Schoenbaum closes by saying that she is not opposed to the sharing economy but instead seeks measures that might mitigate its burdens to women's equality. To be realistic, there is no turning back from the sharing economy. The sharing economy is no more likely to be curtailed because of the enhanced risks of discrimination than advances in information technology are likely to be reversed because of the incursions these advances represent to citizen privacy.<sup>50</sup> All we can hope for are measures that mediate its worst effects.

Among the concrete suggestions Professor Schoenbaum offers for further consideration are a limit on online disclosures of the kind of identifying information that allows users of the sharing economy to discriminate based on sex,<sup>51</sup> and the imposition of greater burdens on online platforms to anticipate and prevent discrimination by its users.<sup>52</sup> These will be difficult reforms to enact. If Professor Schoenbaum is right, the sharing economy exerts subtle pressure to expand the BFOQ exception to Title VII, not make it more restrictive.<sup>53</sup> Moreover, as I argued above, as people become more accustomed to the choice and flexibility offered through the sharing economy, the resistance to limits on those choices is sure to increase.

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49. See Lauren Johnson, *Abercrombie & Fitch Supports Racism, Sexism and Size Discrimination*, BEUTIFUL (May 10, 2013), <http://www.beutifulmagazine.com/2013/05/10/abercrombie-fitch-supports-racism-sexism-size-discrimination/> [https://perma.cc/QNR9-4UQG].

50. See generally TECHNOLOGY AND PRIVACY: THE NEW LANDSCAPE (Philip E. Agre & Marc Rotenberg eds., 1998); see also *The Fundamental Limits of Privacy For Social Networks*, MIT TECH. REV. (May 5, 2010), <http://www.technologyreview.com/view/418819/the-fundamental-limits-of-privacy-for-social-networks/> [https://perma.cc/D7SZ-QPDG] (arguing that using social networks to make recommendations will always compromise privacy).

51. Schoenbaum, *supra* note 2, at 1069.

52. *Id.* at 1069-70. For further suggestions along these lines, see Bartlett & Gulati, *supra* note 10.

53. Schoenbaum, *supra* note 2, 1064-65.

Professor Schoenbaum helpfully places the supposed advantages of the sharing economy in the context of the enhancement of gender stereotyping that this economy encourages. It is hard to know how to get a handle on the problem she identifies, given the momentum of the forces behind it. Nevertheless, we cannot address the problem until we understand it. Professor Schoenbaum has brought us a long way toward that understanding.